

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of IPC Network)
Services, Inc., for a Certificate of Service Authority)
to Provide Interexchange Telecommunications)
Services and Non-switched Local Exchange)
Telecommunications Services)

Case No. XA-2006-0223

ORDER DIRECTING FILING

Issue Date: December 30, 2005

Effective Date: December 30, 2005

This order directs the Staff of the Commission to address the waiver of a Commission rule, and invites the Applicant, IPC Network Services, Inc., to respond.

On November 23, 2005, IPC Network Services, Inc., applied for a certificate of service authority to provide non-switched local exchange and interexchange telecommunications services in Missouri. IPC also sought competitive status and waiver of certain statutes and Commission rules. In the original application, IPC sought a waiver of 4 CSR 240-10.010, the rule dealing with books and records. On December 28, 2005, IPC sought to amend its application. In lieu of a waiver of 4 CSR 240-10.010, IPC requested a waiver of 4 CSR 240-3.545(2), the rule regarding maintenance of tariffs available for public inspection. On the same day, IPC filed a revised proposed tariff that specifically provides for a waiver of 4 CSR 240-3.545(2).

On December 29, 2005, the Staff of the Commission filed its Recommendation and Memorandum recommending that the Commission approve the “waivers listed in the Notice of Applications.” Presumably, this recommendation does not include a waiver of 4 CSR

240-3.545(2) as this rule was not listed in the "Notice of Applications." Yet Staff, in its recommendation, urges approval of the tariff filed by IPC. That tariff specifically waives 240-3.545(2). The Staff of the Commission will be directed to clarify whether it recommends a waiver of 4 CSR 240-3.545(2), or recommends only the standard waivers listed in the Notice of Applications. Thereafter, IPC is invited to respond to the Staff's position on this issue and state whether it will insist on a waiver of 4 CSR 240-3.545(2) or will amend its tariff.

IT IS THEREFORE ORDERED:

1. That the Staff of the Commission shall file a pleading stating its position on the issue of waiver of 4 CSR 240-3.545(2) by 4:00 p.m., on January 3, 2006, and fax a copy of same to the applicant.
2. That the applicant, IPC Network Services, Inc., may file a response to Staff's pleading, if it deems a response is necessary, by 4:00 p.m., on January 4, 2006. If no response is filed, the Commission will assume that IPC Network Services, Inc., has no objection to Staff's pleading.
3. That this order shall become effective on December 30, 2005.

(S E A L)

BY THE COMMISSION



Colleen M. Dale
Secretary

Steven C. Reed, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 30th day of December, 2005.